

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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Nos. 03-10262 & 03-10263

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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT July 19, 2006 THOMAS K. KAHN CLERK
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D.C. Docket Nos.  
2261-251-V-01-0 & IV-2001-6  
4911-297-V-05-0 & IV-2001-8

THE SIERRA CLUB,

Petitioner,

versus

STEPHEN L. JOHNSON,  
in his official capacity as Administrator of the  
United States Environmental Protection Agency,  
UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY,

Respondents.

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Nos. 03-10264 & 03-10265

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D.C. Docket Nos.  
2273-313-0061-V-01-0 & IV-2001-10  
2273-313-0003-V-01-0 & IV-2001-9

GEORGIA FOREST WATCH,

Petitioner,

versus

STEPHEN L. JOHNSON,  
in his official capacity as Administrator of the  
United States Environmental Protection Agency,  
UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY,

Respondent.

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Appeals from the United States District Court  
for the Northern District of Georgia

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**(July 19, 2006)**

Before EDMONDSON, Chief Judge, TJOFLAT, ANDERSON, BIRCH,  
DUBINA, BLACK, CARNES, BARKETT, HULL, MARCUS, WILSON, and  
PRYOR, Circuit Judges.

BY THE COURT:

The Court having been polled at the request of one of the members of the  
Court and a majority of the Circuit Judges who are in regular active service not  
having voted in favor of it (Rule 35, Federal Rules of Appellate Procedure;  
Eleventh Circuit Rule 35-5), rehearing en banc is DENIED.

/s/

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CHIEF JUDGE